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**Goal: GOVERNMENTAL EXCELLENCE AND EFFECTIVENESS****Desired Community Condition(s)****City assets are protected while responding fairly to inappropriate City actions.****Program Strategy:LEGAL SERVICES**

34508

To provide effective representation and sound legal advise to the Mayor's Office, City Council, and client departments.

**Department: LEGAL****Service Activities**

Administration

Trial and Public Safety

Municipal Affairs

Real Estate and Land Use

**Strategy Purpose and Description**

To provide effective representation and sound legal advice to the Mayor's Office, City Council, and client departments.

**Changes and Key Initiatives****Input Measure (\$000's)**

|      |     |                                    |       |
|------|-----|------------------------------------|-------|
| 2001 | 000 | 000 FY00 FUND IN FY99<br>STRUCTURE | 2,296 |
| 2001 | 110 | 110 GENERAL FUND                   | 2,593 |
| 2002 | 110 | 110 GENERAL FUND                   | 4,889 |
| 2003 | 110 | 110 GENERAL FUND                   | 3,927 |
| 2004 | 110 | 110 GENERAL FUND                   | 3,632 |
| 2005 | 110 | 110 GENERAL FUND                   | 4,827 |
| 2006 | 110 | 110 GENERAL FUND                   | 5,010 |

| <b>Strategy Outcome</b>  | <b>Measure</b>                     | <b>Year</b> | <b>Project</b> | <b>Mid Year</b> | <b>Actual</b> | <b>Notes</b>   |
|--|------------------------------------|-------------|----------------|-----------------|---------------|--|
| Department Client satisfaction with representation of the legal issues bprovided by the Legal Department Activities. | Client Satisfaction Survey Results | 2006        | 2.6            |                 |               | Mean value established as<br>1=Unsatisfactory,<br>2=Satisfactory, 3=Very<br>Satisfactory |

**Goal: GOVERNMENTAL EXCELLENCE AND EFFECTIVENESS**

**Parent Program Strategy: LEGAL SERVICES**

**Department: LEGAL**

**Service Activity: Administration 3410000**

**Service Activity Purpose and Description**

The Administration activity provides complete financial, budgetary, operational, payroll, rate analysis, human resource services, space allocation, equipment/furniture requirements and (CLE) continuing legal education tracking, and other related support to the Legal Department.

**Changes and Key Initiatives**

The Administration Division continues to perform their primary function of providing budgetary, fiscal, human resource and other administrative services to the Legal Department at a very high satisfaction rate.

**Input Measure (\$000's)**

|      |     |                  |     |
|------|-----|------------------|-----|
| 2002 | 110 | 110 GENERAL FUND | 579 |
| 2003 | 110 | 110 GENERAL FUND | 541 |
| 2004 | 110 | 110 GENERAL FUND | 629 |
| 2005 | 110 | 110 GENERAL FUND | 588 |
| 2006 | 110 | 110 GENERAL FUND | 676 |

**Strategic Accomplishments**

The Administration Division continues to perform their primary function of providing budgetary, fiscal, human resource and other administrative services to the Legal Department at a very high satisfaction rate.

| <b>Output Measures</b>   | <b>Year</b> | <b>Projected</b> | <b>Mid-Year</b> | <b>Actual</b> | <b>Notes</b> |
|--|-------------|------------------|-----------------|---------------|--------------|
| # services, supplies, equipment & trial preparation requisitions processed | 2004        | 400              |                 | 581           |              |
|  | 2005        | 400              | 321             | 618           |              |
|  | 2006        | 500              |                 |               |              |

| <b>Quality Measures</b>  | <b>Year</b> | <b>Projected</b> | <b>Mid-Year</b> | <b>Actual</b> | <b>Notes</b>  |
|--|-------------|------------------|-----------------|---------------|---|
| Will develop survey to be distributed to clients within the Legal Department to determine if internal services are sufficient and satisfactory or need of expansion. | 2004        | NA               |                 |               |   |
|  | 2005        | NA               | 2.6             | 2.6           | This measurement is based on a scale of 1-3 with 3 being the highest. |
| Survey results determining Legal Department internal client satisfaction.  | 2006        | 2.6              |                 |               |   |

| <b>Quality Measures</b>   | <b>Year</b> | <b>Projected</b> | <b>Mid-Year</b> | <b>Actual</b> | <b>Notes</b> |
|---|-------------|------------------|-----------------|---------------|--------------|
| % of program strategies under budget appropriation, or less than 5% or \$100,000 over | 2001        | 100%             |                 | 100% (3/3)    |              |

|      |      |      |             |
|------|------|------|-------------|
| 2002 | 100% |      | 33.3% (1/3) |
| 2003 | 100% |      | 100% (3/3)  |
| 2004 | 100% |      |             |
| 2005 | 100% | 100% | 100% (3/3)  |
| 2006 | 100% |      |             |

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**Goal: GOVERNMENTAL EXCELLENCE AND EFFECTIVENESS****Parent Program Strategy: LEGAL SERVICES****Department: LEGAL****Service Activity: Trial and Public Safety****3423000*****Service Activity Purpose and Description***

The service activity has four areas of concentration: Employment and Personnel, Public Safety, APD Legal, and Torts and General litigation. Attorneys who practice in the employment and personnel area defend lawsuits based on alleged violations of federal and state laws and City ordinances and policies pertaining to employment, such as discrimination. These attorneys also advise and train department administrators on personnel issues and defend disciplinary actions in grievance hearings when the employee retains an attorney. Attorneys who concentrate in the Public Safety area defend lawsuits against the City's law enforcement agencies as well as provide training and advise on law enforcement issues. Attorneys whose practice includes torts and general litigation defend the City and its employees in suits brought under the New Mexico Tort Claims Act, as well as suits against the City based on such diverse issues as freedom of speech and alleged violations of City purchasing ordinances. An attorney provides advice to the Police Department and the City on issues specific to law enforcement. The ADR Unit facilitates mediation for employees and land use.

***Changes and Key Initiatives***

The Litigation Division continues to perform their primary function of defending and advising client departments at a very high satisfaction rate.

To defend the COA against any & all types of claims including: Federal & State employment claims.

Negligence claims against the City and its employees.

Breach of Contract & Purchasing process claims involving City contracts.

Civil Rights claims involving first amendment rights of freedom, political speech, freedom of religion and equal protection and due process violations.

Environmental litigation both as a defendant and the City acting as a plaintiff to protect the City's Environmental resources.

Representation of the COA and Police Officer lawsuits alleging police rights violations.

***Input Measure (\$000's)***

|      |     |                  |       |
|------|-----|------------------|-------|
| 2002 | 110 | 110 GENERAL FUND | 2,014 |
| 2003 | 110 | 110 GENERAL FUND | 1,209 |
| 2004 | 110 | 110 GENERAL FUND | 1,461 |
| 2005 | 110 | 110 GENERAL FUND | 1,878 |
| 2006 | 110 | 110 GENERAL FUND | 1,921 |

***Strategic Accomplishments***

Under the ADR Unit 71% of the city departments utilized the Employee Mediation Program. The number of yearly case referrals to the Employee Mediation Program has increased 91% since 1994. Utilizing national statistics, the average amount spent on workplace cases in the traditional court system is \$100,000 and takes 2.5 years. In comparison the CABQ Employee Mediation Program cost was -0- in 2004 and took 10.96 days to obtain a mediated resolution.

The Land Use Facilitation Program expanded in 2004 facilitating cases from an additional five divisions of the Planning Department. The number of yearly case referrals to the Land Use Facilitation Program has increased 26% from 1994.

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| <b><i>Output Measures</i></b> | <b><i>Year</i></b> | <b><i>Projected</i></b> | <b><i>Mid-Year</i></b> | <b><i>Actual</i></b> | <b><i>Notes</i></b> |
|-------------------------------|--------------------|-------------------------|------------------------|----------------------|---------------------|
| # lawsuits received           | 2001               |                         |                        | 209                  |                     |
|                               | 2002               | 220                     |                        |                      |                     |
| # lawsuits received           | 2003               | 220                     |                        | 226                  |                     |
|                               | 2004               | 220                     |                        | 224                  |                     |
|                               | 2005               | 220                     | 142                    | 220                  |                     |

| <b>Quality Measures</b>                             | <b>Year</b> | <b>Projected</b> | <b>Mid-Year</b> | <b>Actual</b> | <b>Notes</b>   |
|---|-------------|------------------|-----------------|---------------|--|
| # of cases sent and amount spent on outside counsel | 2003        | 34               |                 | 35            | \$ 746,414   |
|   | 2004        | 25               |                 | 20            | \$ 707,896   |
|   | 2005        | 18               | 11              | 17            | Spent FY05: \$ 825,000 estimate. Final invoices through June have not been received at this input. |
|   | 2006        | 17               |                 |               |  |

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**Goal: GOVERNMENTAL EXCELLENCE AND EFFECTIVENESS****Parent Program Strategy: LEGAL SERVICES****Department: LEGAL****Service Activity: Municipal Affairs****3424000*****Service Activity Purpose and Description***

The Municipal Affairs Division provides advice, counsel and work product to the Mayor's Office, City Council and client departments regarding a wide range of issues that include drafting and enforcing ordinances and regulations; drafting and reviewing contracts and working on purchasing issues, aviation issues including construction, leases, concessions and security; negotiating franchise renewals, providing consumer protection to cable subscribers, contract management for education and public access TV channels; providing public housing legal services; legal counsel to MDC; advising on the landfill renewable energy project; enforcing air quality laws and programs; advising city boards and providing consumer protection and enhanced public safety by enforcing restaurant, animal protection and other city laws.

***Changes and Key Initiatives***

The Municipal Affairs Division continues to perform their primary function of providing general governmental legal advice and advocacy to clients at satisfactory to very satisfactory ratings as determined by client surveys.

***Input Measure (\$000's)***

|      |     |                  |       |
|------|-----|------------------|-------|
| 2002 | 110 | 110 GENERAL FUND | 2,296 |
| 2003 | 110 | 110 GENERAL FUND | 1,587 |
| 2004 | 110 | 110 GENERAL FUND | 1,542 |
| 2005 | 110 | 110 GENERAL FUND | 1,337 |
| 2006 | 110 | 110 GENERAL FUND | 1,104 |

***Strategic Accomplishments***

FY/05

Drafted and defended three City sex offender ordinances targeted at inefficiencies in state law. Presently on appeal.

Municipal Affairs is working on facilitating spay neuter programs, providing accurate ID of companion animals and reducing unnecessary breeding of animals that may have to be euthanized.

Drafted "Scooby's Law" which requires the addition of a bittering agent to antifreeze to reduce the chance of children and pet poisoning.

Assisting in establishing a new approach involving red light cameras and enforcement under a civil remediation nuisance abatement theory.

Proposed amendments to the City Uniform Fire Code to bring Code current with national standards.

Drafted legislative proposals for the Identity Theft Task Force that, if enacted, will protect the public and provide a system to aid identity theft victims.

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| <b><i>Output Measures</i></b>                           | <b><i>Year</i></b> | <b><i>Projected</i></b> | <b><i>Mid-Year</i></b> | <b><i>Actual</i></b> | <b><i>Notes</i></b> |
|---|--------------------|-------------------------|------------------------|----------------------|---------------------|
| # of reviews of contracts, resolutions, ECs, ordinances | 2004               | 1,600                   |                        | 1,650                |                     |
|   | 2005               | 1,600                   | 830                    | 1954                 |                     |
|   | 2006               | 1750                    |                        |                      |                     |

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| <b><i>Output Measures</i></b>  | <b><i>Year</i></b> | <b><i>Projected</i></b> | <b><i>Mid-Year</i></b> | <b><i>Actual</i></b> | <b><i>Notes</i></b>                    |
|--|--------------------|-------------------------|------------------------|----------------------|--|
| # of air quality enforcement actions completed (in conjunction with EHD) | 2004               | 5                       |                        | 7                    | unit reorganized enforcement structure |

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|      |    |    |    |  |
|------|----|----|----|--|
| 2005 | 50 | 37 | 62 | <i>During FY05 pentalties totalling \$128,810 were collected for deposit into the general fund</i> |
| 2006 | 50 |    |    |  |

| <b><i>Output Measures</i></b>   | <b><i>Year</i></b> | <b><i>Projected</i></b> | <b><i>Mid-Year</i></b> | <b><i>Actual</i></b> | <b><i>Notes</i></b> |
|---|--------------------|-------------------------|------------------------|----------------------|---------------------|
| Attendance at City Council, City boards, commisions, committees and task forces, and admin hearings | 2005               | 100                     | 83                     | 160                  |                     |
| Attendance at City Council, City boards, commisions, committees and task forces, and admin hearings | 2006               | 150                     |                        |                      |                     |

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**Goal:** **GOVERNMENTAL EXCELLENCE AND EFFECTIVENESS**

**Parent Program Strategy:** LEGAL SERVICES

**Department:** **LEGAL**

**Service Activity:** Real Estate and Land Use

**3439000**

***Service Activity Purpose and Description***

The RELU Activity provides advice and counsel to the Mayor's office and City Council; implements the City's Open Space acquisition policy; assists the Planning Department and Planning Committees in planning and zoning matters; assists in implementing Master Development Agreements for Downtown Redevelopment and acquires right of ways and properties for the city through it's condemnation powers.

***Changes and Key Initiatives***

Provide legal services to cause residential development in Downtown Area.

Assist Planning Department in implementing Uptown Sector Plan to establish Urban Center at Uptown area.

***Input Measure (\$000's)***

|      |     |                  |       |
|------|-----|------------------|-------|
| 2005 | 110 | 110 GENERAL FUND | 1,024 |
| 2006 | 110 | 110 GENERAL FUND | 1,309 |

***Strategic Accomplishments***

FY/05

Purchase of McCall properties for Bosque Open Space completed through settlement with property owner.

Advanced Downtown redevelopment by reaching agreement with developer to begin housing in Downtown area via negotiation, letter of understanding and agreements.

Settled lawsuits between Winrock and other developers and by obtaining site development plans at Uptown tha are consistent with City of Albuquerque Master Development Plan